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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,479	11/01/2001	Fabrice Vitry	283-01	1380
27569	7590	04/12/2005	EXAMINER	
PAUL AND PAUL 2900 TWO THOUSAND MARKET STREET PHILADELPHIA, PA 19103			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/001,479	VITRY ET AL.
	Examiner	Art Unit
	Carlos Lugo	3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 September 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3 and 7-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1,3 and 7-21 is/are allowed.  
 6) Claim(s) 22 and 23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This Office Action is in response to applicant amendment filed on September 13, 2004.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 22 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,927,772 to Antonucci et al (Antonucci '772).

Antonucci '772 discloses a latch assembly comprising an elongated housing (12) having two opposite sidewalls thereto and a hook like shaped member (25) connected to one of the walls of the housing (Figure 1). The hook like shaped member is bifurcated and has a pair of spaced apart hook-shaped flanges (Figure 1).

A pawl (28) is pivotally attached (at 32) to the housing and pivotally moved between a closed position and an open position. The pawl engages a keeper in the closed position. A spring member (40) biases the pawl to the open position.

The latch assembly further includes means (53) positioned within the housing and operating parallel to a longitudinal axis (located at any convenient point).

The pawl extends outwardly from the housing transversely to the longitudinal axis thereof and in adjacent proximity to the housing hook-like shaped member.

However, Antonucci '772 fails to disclose that the hook shaped flanges has a pair of lateral tabs. Antonucci '722 illustrates that the hook shaped flanges has only one tab (between each hook flange).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a pair of tabs instead of one tab since duplicating the components of a prior art device is a design consideration within the skill of the art.

4. **Claim 23 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,927,772 to Antonucci et al (Antonucci '772) as applied to claim 22 above, and further in view of US Pat No 5,076,622 to Detweiler.

Antonucci '772 fails to disclose that the latch assembly further includes a solenoid to move the locking member against the pawl member. Antonucci '772 discloses the use of a manual operator (lock cylinder).

Detweiler teaches that it is well known in the art to have a latch assembly that the operator of a lock member (40) is a solenoid (32) or a manual operator (84).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a motor or a solenoid like the operator of a locking member, as taught by Detweiler, into a device as described by Antonucci '772, in order to lock or open the latch assembly (by moving the locking member from engagement with the pawl).

5. If the applicant is trying to claim the combination of the latch assembly with a glove box or storage structure, then **Claim 22 is rejected** under 35 U.S.C. 103(a) as

being unpatentable over US Pat No 5,927,772 to Antonucci et al (Antonucci '772) in view of US Pat No 5,062,559 to Falcoff.

Antonucci '772 discloses a latch assembly comprising an elongated housing (12) having two opposite sidewalls thereto and a hook like shaped member (25) connected to one of the walls of the housing (Figure 1). The hook like shaped member is bifurcated and has a pair of spaced apart hook-shaped flanges (Figure 1).

A pawl (28) is pivotally attached (at 32) to the housing and pivotally moved between a closed position and an open position. The pawl engages a keeper in the closed position. A spring member (40) biases the pawl to the open position.

The latch assembly further includes means (53) positioned within the housing and operating parallel to a longitudinal axis (located at any convenient point).

The pawl extends outwardly from the housing transversely to the longitudinal axis thereof and in adjacent proximity to the housing hook-like shaped member.

However, Antonucci '772 fails to disclose that the hook shaped flanges has a pair of lateral tabs so as to engage a corresponding notch so as to secure the latch assembly to a storage structure. Antonucci '722 illustrates that the hook shaped flanges has only one tab (between each hook flange). Also, Antonucci '772 discloses that the latch structure is attached to the storage structure by screws.

Falcoff teaches that it is well known in the art to have tabs that engage a corresponding notch so as to secure a structure against another structure without the use of screws (Figure 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have tab/notch connection, as taught by Falcoff, replacing the tab structure between the hook flanges in the device described by Antonucci '772, in order to secure the latch assembly with respect to the storage structure and because it is consider as a design consideration within the art since the tab/notch connection will not affect the mechanism of the latch assembly.

6. **Claim 23 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,927,772 to Antonucci et al (Antonucci '772) in view of in view of US Pat No 5,062,559 to Falcoff as applied to claim 22 above, and further in view of US Pat No 5,076,622 to Detweiler.

Antonucci '772, as modified by Falcoff, fails to disclose that the latch assembly further includes a solenoid to move the locking member against the pawl member. Antonucci '772 discloses the use of a manual operator (lock cylinder).

Detweiler teaches that it is well known in the art to have a latch assembly that the operator of a lock member (40) is a solenoid (32) or a manual operator (84).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a motor or a solenoid like the operator of a locking member, as taught by Detweiler, into a device as described by Antonucci '772, as modified by Falcoff, in order to lock or open the latch assembly (by moving the locking member from engagement with the pawl).

***Allowable Subject Matter***

7. **Claims 1,3,7-10, and 12-21 allowed.**

***Response to Arguments***

8. Applicant's arguments filed on September 13, 2004 have been fully considered but they are not persuasive.

Regarding claims 4-6, the claims where not examined since the claims belongs to a species not elected by the applicant. Therefore, the status of claims 4-6 will be maintained as "withdrawn" by election.

As to applicant's arguments that the new amendment to claim 22, that the hook flanges includes tabs, will put the claim in allowance condition (Page 9 Line 19), the current amendment does not put the claim in allowance condition.

According to the specification, Page 18 Lines 23-26, this pair of tabs (98) is used to engage the latch assembly with the storage structure.

However, the applicant is not claiming the combination of the latch assembly with a storage structure, so as to properly examine the claim language with respect to the specification.

Furthermore, if the applicant claims the combination, the examiner believes that Antonucci, as modified by Falcoff, discloses the invention as claimed since this pair of tabs is only used to attach the latch assembly to the storage structure, it will not affect the mechanic of the latch.

***Conclusion***

9. Applicant's amendment, the inclusion of the pair of tabs in claim 20 line 7, necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo  
AU 3676

April 5, 2005



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
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